

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:08-cr-54
)	
Howard O. Kieffer,)	
)	
Defendant.)	ORDER FOR CONTINUANCE

Before the Court is a joint motion for continuance. Trial is currently scheduled for January 6, 2009. As grounds for the motion the parties cite the recently filed superseding indictment. An arraignment on the superseding indictment has been scheduled for December 19, 2009. The Defendant cites a need to review the superseding indictment and make any pretrial motions necessitated thereby. In addition, the parties state that meaningful plea negotiations are taking place and additional time is necessary to facilitate those negotiations. The Defendant has filed a waiver of his statutory speedy trial rights. A trial date sometime in or after April 2009 is requested.

The Court, while ready to proceed on January 6th, understands the superseding indictment may have changed the playing field and the parties should be allowed a reasonable amount of time to explore the possibility of a plea agreement. The Court finds that a continuance is necessary in order to assure the Defendant has adequate time to prepare for trial, that the request is not made for the purpose of delay or out of a lack of due diligence, and that the ends of justice are best served by granting the request. 18 U.S.C. § 3161(h)(8)(A) and (h)(8)(B)(iv).

Accordingly, the motion for continuance is **GRANTED**. Trial of this matter shall be reset for Tuesday, April 14, 2009, at 9:30 a.m. in Bismarck. A four day trial is anticipated. All time elapsing between the January 6, 2009, trial date and the April 14, 2009, trial date shall be excluded from any speedy trial calculation.

IT IS SO ORDERED.

Dated this 17th day of December, 2008.

/s/ Patrick A. Conmy
Patrick A. Conmy, Senior District Judge
United States District Court